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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/370,663 08/06/99 ABELOW

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EXAMINER

TM02/0510

DAVID L FEIGENBAUM ESQ
FISH & RICHARDSON PC
225 FRANKLIN STREET
BOSTON MA 02110-2804

DIXON, T

ART UNIT

PAPER NUMBER

2161

DATE MAILED:

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17

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.

09/370,663

Applicant(s)

ABELOW, DANIEL H.

Examiner

Thomas A. Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 48-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-51, 59, 61, 62, 71-78 is/are rejected.
- 7) ☒ Claim(s) 53-60, 63, and 79 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on 20 March 2000 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 15, 16.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

Notice of References Cited

Application/Control No.

09/370,663

Applicant(s)/Patent Under
Reexamination
ABELOW, DANIEL H.

Examiner

Thomas A. Dixon

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U.S. PATENT DOCUMENTS

*		Document Number	Date	Name	Classification	
		Country Code-Number-Kind Code	MM-YYYY			
	A	US-6,148,065-A	11-2000	Katz	379	88.2
	B	US-6,144,848-A	11-2000	Walsh et al	455	419
	C	US- -				
	D	US- -				
	E	US- -				
	F	US- -				
	G	US- -				
	H	US- -				
	I	US- -				
	J	US- -				
	K	US- -				
	L	US- -				
	M	US- -				

FOREIGN PATENT DOCUMENTS

*		Document Number	Date	Country	Name	Classification	
		Country Code-Number-Kind Code	MM-YYYY				
	N	- -					
	O	- -					
	P	- -					
	Q	- -					
	R	- -					
	S	- -					
	T	- -					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

DETAILED ACTION

1. Claims 48-51,53-63 remain. Claims 52, 64-70 have been cancelled. Claims 71-79 have been added.
2. IDS papers number 15 and 16 have been considered.

Response to Arguments

3. Applicant's argument, "Applicant does not agree or accede to examiner's interpretation of Claim 48," filed 5 March 2001 have been fully considered but they are not persuasive.

In the previous action, as per Claim 59 which was rejected under 112 2nd as being indefinite because it was unclear how the telephone keypad of line 4 is part of the television of claim 10, from which it depends. The language of Claim 48 lines 4-8 requires that the two-way interface be part of the commodity. If the commodity is a television, then the keypad or remote must be associated with the television, not a separate unit such as a set top box or a telephone keypad, which are well known in the art, see Von Kohorn (5,227,874).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 59 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear how the numeric keypad of line 4 differs from the keypad of line 3, as part of the television of claim 57 from which it depends. Television

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keypads are known to be exclusively numeric, therefore, the keypads of line 3 and 4 are the identical. Further, no support is found in the specification for other keypads associated with the claimed television.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claim 48-51,61,62,75-78 are rejected under 35 U.S.C. 102(e) as being anticipated by Hill (6,131,088).

As per Claim 48.

Hill ('088) discloses:

units of a commodity that are used by respective users in different locations, see column 2, lines 7-9;

a user interface which is part of each of the units of the commodity and provides a medium for two-way local interaction between one of the users and the corresponding units of the commodity for generating information about use of the unit of the commodity by a user, see column 2, lines 9-11;

a communication element that is associated with each of the units of the commodity and carries results of the two-way local interaction from each of the units of the commodity to a central location, see column 2, lines 12-16;

software that manages the interactions of the users in different locations and collection of the results of the interactions at the central location, see column 2, line 16-27.

As per Claim 49.

Hill ('088) discloses all the limitations of claim 48.

Hill ('088) further discloses:

the user interface is electronically triggered based on user behaviors to generate two-way interactions with each of the users, each of the interactions relating to a corresponding specific one of the behaviors, see column 2, lines 12-19.

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As per Claim 50.

Hill ('088) discloses all the limitations of claim 48.

Hill ('088) further discloses:

the interactions are triggered to occur based on repeated uses of a feature of a unit of the commodity, see column 2, lines 12-19.

As per Claim 51.

Hill ('088) discloses all the limitations of claim 48.

Hill ('088) further discloses:

the user interface comprises a part of a functional user interface of the unit of the commodity that is used to control features of the commodity, see column 2, lines 16-27.

As per Claim 61.

Hill ('088) discloses all the limitations of claim 48.

Hill ('088) further discloses:

the two-way interaction is mediated by an publicly or privately accessible on-line computerized information service, see column 1, lines 44-54.

As per Claim 62.

Hill ('088) discloses all the limitations of claim 48.

Hill ('088) further discloses:

presenting the user information in one or more of the following styles: text, lists, charts, views, arrangements, hierarchies, graphical maps, sample extracts, abstracts summary descriptions or hypertext, see column 1, lines 62-67.

As per Claim 75.

Hill ('088) discloses all the limitations of claim 48.

Hill ('088) further discloses:

the user interface includes a console displaying text or graphics, see column 2, 12-13.

As per Claim 76.

Hill ('088) discloses all the limitations of claim 48.

Hill ('088) further discloses:

the console comprises a display of a computer, see column 2, 12-13.

As per Claim 77.

Hill ('088) discloses all the limitations of claim 48.

Hill ('088) further discloses:

the software is configured to disclose access to collection results to vendors of the commodity, see column 2, lines 13-19.

As per Claim 78.

Hill ('088) discloses all the limitations of claim 48.

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Hill ('088) further discloses:
the software is configured to disclose access to collection results to the users of the commodity, see column 2, lines 9-13.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 71-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill (6,131,088) in view of Schoenbrun "EASYNET...".

As per Claim 71.

Hill ('088) further does not disclose a voice recorder.

Schoenbrun teaches a system which has online help by typing SOS at any menu and the ability to leave voice messages, see page 53, column 3, line 2 – page 54, column 1, line 24, for the benefit of customer service and cost savings.

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the invention of Hill ('088) to include the sound recording capability taught by Schoenbrun for the benefit of customer service and cost savings.

As per Claim 72.

Hill ('088) further does not disclose a commodity configured to store voice or sound information.

Official notice is taken that voice recording devices are well known, in analog or digital form such as answering machines and tape recorders. It is also well known to store messages, such as email and voicemail for later scheduled distribution.

Schoenbrun teaches a system which has online help by typing SOS at any menu and the ability to leave voice messages, see page 53, column 3, line 2 – page 54, column 1, line 24, for the benefit of customer service and cost savings.

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the invention of Hill ('088) to include the sound recording capability taught by Schoenbrun either at the user's machine or the vendor's machine for the benefit of customer service and cost savings.

As per Claim 73.

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Hill ('088) further does not disclose a commodity configured to digitize voice or sound information.

Official notice is taken that voice recording devices are well known, in analog or digital form such as answering machines and tape recorders. It is also well known to store messages, such as email and voicemail for later scheduled distribution.

Schoenbrun teaches a system which has online help by typing SOS at any menu and the ability to leave voice messages, see page 53, column 3, line 2 – page 54, column 1, line 24, for the benefit of customer service and cost savings.

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the invention of Hill ('088) to include the sound recording capability taught by Schoenbrun either in analog or digital format for the benefit of customer service and cost savings.

As per Claim 74.

Hill ('088) further does not disclose a voice communication.

Schoenbrun teaches a system which has online help by typing SOS at any menu and the ability to leave voice messages or speak to a live operator, see page 53, column 3, line 2 – page 54, column 1, line 24, for the benefit of customer service and cost savings.

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the invention of Hill ('088) to include the live operator contact or sound recording capability taught by Schoenbrun for the benefit of customer service and cost savings.

Prior art made of Record

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Asahi (JP 406195162) is the closest foreign art, it discloses a system which includes an interaction recorder and a judging device which reads the interaction data and compares it against reference interaction data and plots differences, but does not disclose all the limitations of the claimed.

Walsh et al (6,144,848) discloses telephone network, facsimile machine and wireless communication, but does not disclose all the limitations as claimed.

Katz (6,148,065) discloses voice generation, calling specific devices, storing statistical data, and live operator communication, but does not disclose the limitations as claimed.

Allowable Subject Matter

7. Claims 53-60,63, and 79 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 58 and 60, which depend from claim 57 would be allowable if the objection to claim 57 is overcome. Claim 59 would also be allowable if the 112 rejection is overcome. Claim 56, which depends from claim 55 would be allowable if the objection to claim 55 is overcome.

As per Claim 53.

Hill ('088) discloses all the limitations of claim 48.

Hill ('088) does not disclose:

units of the commodity comprise telephone extension equipment and the central location comprises a private branch exchange or other central telephone network facility.

As per Claim 54 and 79.

Hill ('088) discloses all the limitations of claim 48.

Hill ('088) does not disclose:

the results of the interactions are forwarded from the central location to a remote server for analysis.

As per Claim 55.

Hill ('088) discloses all the limitations of claim 48.

Hill ('088) does not disclose:

units of the commodity comprise facsimile equipment and the user interface triggers the two-way interaction to occur on-line between the unit of the facsimile equipment and a vendor of the facsimile equipment.

As per Claim 63.

Hill ('088) discloses all the limitations of claim 62.

Hill ('088) does not disclose:

the user interface triggers two way interactions that comprise training based on two-way interactions with all or some other users, the interactions being arranged to present actions that the user could take to increase performance or satisfaction to a level achieved by other users.


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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Friday 7 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-9051 for regular communications and (703) 308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.



Thomas A. Dixon
Examiner
Art Unit 2161

May 8, 2001